

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----  
ANDRE RENE LEVESQUE,

Plaintiff,

-v-

8:24-CV-1302

GREGORY P. STORIE *et al.*,

Defendants.  
-----

APPEARANCES:

OF COUNSEL:

ANDRE RENE LEVESQUE

Plaintiff, Pro Se

35A Smithfield Blvd., Apt. #149

Plattsburgh, NY 12901

DAVID N. HURD

United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On June 12, 2024, *pro se* plaintiff Andre Rene Levesque (“plaintiff”) filed this civil action in the U.S. District Court for the District of Massachusetts alleging that defendants violated his civil rights. Dkt. No. 1. Along with his complaint, plaintiff also moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 5. After plaintiff’s IFP Application was granted, Dkt. No. 6, U.S. District Judge Margaret R. Guzman *sua sponte* ordered the action

transferred to this judicial district, Dkt. No. 11, and a civil case was opened here in the Northern District of New York, Dkt. No. 14.

On November 12, 2024, after an initial review of plaintiff's complaint, U.S. Magistrate Judge Daniel J. Stewart advised by Report & Recommendation ("R&R") that plaintiff's complaint be dismissed with leave to amend. Dkt. No. 16.

Plaintiff has not lodged objections, and the time period in which to do so has expired. *See* Dkt. No. 16. Upon review for clear error, Judge Stewart's R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

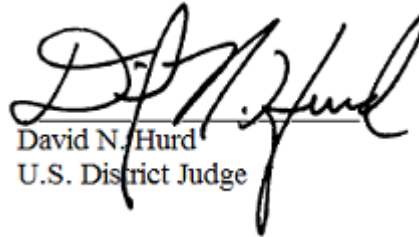
ORDERED that

1. The Report & Recommendation (Dkt. No. 16) is ACCEPTED; and
2. Plaintiff's complaint is DISMISSED with leave to amend;
3. Plaintiff shall have thirty days in which to file an amended complaint that conforms with the instructions set forth in Judge Stewart's R&R and this Order;
4. If plaintiff chooses to file an amended complaint, the Clerk of the Court is directed to refer this matter to Judge Stewart for a further review; and
5. If plaintiff chooses not to file an amended complaint, at the expiration of this thirty-day period the Clerk of the Court is directed to enter a judgment dismissing this action without further Order of the Court.

The Clerk of the Court is directed to terminate the pending motion and set a deadline accordingly.

IT IS SO ORDERED.

Dated: December 5, 2024  
Utica, New York.



David N. Hurd  
U.S. District Judge